

INFORMATION COMMISSIONER - POLITICAL APPOINTMENTS

**Mr P.D. OMODEI to the Attorney General:**

Given that independent agencies, such as the freedom of information commissioner, were put in place as a result of the findings of the WA Inc royal commission into the corrupt Labor government, and given the Attorney General's comments in Parliament yesterday that "Darryl Wookey is a permanent public servant", I refer to advice received by the opposition from Darryl Wookey that states that she is not now, and never has been, a permanent public servant.

- (1) Why did the Attorney General mislead Parliament yesterday and what was he trying to cover up?
- (2) Why are the Attorney General and the Premier attempting to place political appointments into independent agencies and how is this different from what Brian Burke did during the WA Inc days?
- (3) Does the Attorney General recognise that his attempts to parachute in a public servant from the Department of the Premier and Cabinet as FOI commissioner will totally undermine the independence of this vital watchdog, because this position will require that person to have direct oversight of both the Department of the Premier and Cabinet and the Attorney General?

**Mr J.A. McGINTY replied:**

- (1)-(3) I was aware that Darryl Wookey is a very long-term public servant. From memory, she has something in the teens of years as a public servant. I presumed that she was a permanent public servant because she has been there for so long. If that is not technically the case, I apologise. To the best of my knowledge and understanding, she was. I do not know on what basis she could be employed continuously in a full-time capacity at a senior level in the public service if she is not a public servant. I do not understand that. I would like to take the opportunity to clarify that matter. To the best of my knowledge, going back to the early 1990s, she has been a public servant all that time. There was no attempt to cover anything up. My understanding is that she is a public servant on a permanent basis. Frankly, the Leader of the Opposition's suggestion that she is not very much surprises me.

**Mr T. Buswell:** It is not her view.

**Mr J.A. McGINTY:** Well, it is mine. I will double-check that. There may be some technical issue.

**Mr T. Buswell:** I think she might know about her status.

**Mr J.A. McGINTY:** The Deputy Leader of the Opposition is making the allegation. Opposition members have got it wrong before, which is what the Deputy Leader of the Opposition did yesterday. There is nothing sinister in that.

The next issue the Leader of the Opposition raised relates to the independence of those positions. When Darryl Wookey was appointed, the then Liberal opposition was highly critical of her appointment. It said that it was a bad appointment and that her appointment would undermine the independence of the position. It is a call it is now repeating. As her contract has come to an end by the effluxion of time, the Freedom of Information Act enables the appointment of an acting person for 12 months. She has been reappointed on a number of occasions to make up that totality of four years, which is permissible. An acting appointment cannot be for more than 12 months. Her appointment instrument means that if we did nothing, her employment would cease with effect from 30 October this year. She would not remain in that position. It is important to note that when she was appointed she knew that she would not be the long-term Information Commissioner, and she said as much in the letters that were tabled as part of her annual report yesterday. It was also reported in the media at the time she was appointed on an acting basis that her appointment would cease to exist. There was no basis upon which she could continue on an ongoing basis in that position. The independence of the position is important, and I will fight to uphold that independence. It is important that we have someone in that position who can fearlessly carry out the duties of that position. She had a difference of opinion with me, which is well documented, over some of the provisions of government policy. That was fine. She expressed those opinions. I expressed a counter point of view. I met with her and had a very cordial meeting at Parliament House immediately prior to the legislation being discussed in order to appreciate the full import of her concerns about the legislation that she was asked to comment on. We modified the legislation to take into account some of those concerns that had been raised in a most cordial way. It is important that we have independence in that position and that we have somebody who is as fearless as, in fact, Darryl Wookey has been, notwithstanding the view expressed by the then Leader of the Opposition, the member for Cottesloe, that she would not be seen to be independent in the exercise of her duties.

[See statement on page 6469.]